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March 25, 1997

**BY HAND DELIVERY**

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W., Room 222  
Washington, D.C. 20554

Re: MM Docket 97-8  
RM-8957  
Amelia, Louisiana

Dear Mr. Caton:

Transmitted herewith, on behalf of Rice Capital Broadcasting Company, Inc., are an original and four copies of its "Reply Comments" with regard to the above-referenced proceeding.

Should any questions arise concerning this matter, please communicate with this office.

Very truly yours,

  
Anne Goodwin Crump

Counsel for  
Rice Capital Broadcasting Company, Inc.

Enclosures

cc: Pam Blumenthal, Esquire (By Hand Delivery)

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BEFORE THE  
**Federal Communications Commission**

WASHINGTON, D.C. 20554

In the Matter of	)	
	)	
Amendment of Section 73.202(b),	)	MM DOCKET NO. 97-8
Table of Allotments,	)	RM-8957
FM Broadcast Stations.	)	
(Amelia, Louisiana)	)	

Directed to: Chief, Allocations Branch

**REPLY COMMENTS**

Rice Capital Broadcasting Company, Inc. ("Rice Capital"), by its attorneys, hereby respectfully submits its Reply Comments in the above-captioned proceeding<sup>1</sup>. With respect thereto, the following is stated:

1. Guaranty Broadcasting Corporation ("Guaranty"), the licensee of Stations WGGZ(FM), Baton Rouge, Louisiana, and WBBU(FM), Baker, Louisiana, submitted Comments opposing the proposed allotment of Channel 249C3 to Amelia, Louisiana, as its first local transmission service. The only grounds which Guaranty puts forward for its opposition are concern about an unspecified adverse effect on WGGZ(FM) and its own hope to upgrade WBBU(FM) from a Class A to a Class C3 facility.

2. Guaranty does not provide any details whatsoever on how the proposed allotment at Amelia might "adversely affect" WGGZ(FM). It does not provide any showing of interference, nor does it contest the proponent's statement that the allotment would be fully-spaced. The

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<sup>1</sup> Rice Capital filed timely Comments in this proceeding advising the Commission of its interest in filing for the Amelia channel if allotted.

vague speculation that the allotment might have some negative impact on an existing station completely insufficient to outweigh the public interest benefits of a first local service for Amelia.

3. Likewise, Guaranty's unsupported statement that the proposed Amelia allotment, in combination with another proposed allotment, might interfere with its hopes for an upgrade for WBBU(FM) provides no basis whatsoever for the Commission to deny the proposed allotment, or even to delay making the allotment. Guaranty has not filed any upgrade application with the Commission. Indeed, Guaranty does not even claim that it has begun preparation of such an application. Rather, it merely states that it "anticipate[s]" upgrading the station at some unspecified time in the future. Guaranty objects to the proposed allotment solely because it might limit its potential to upgrade WBBU(FM). Guaranty had not yet undertaken an engineering study to determine what the actual effects of the Amelia allotment would be.

4. Guaranty's speculations about potential adverse effects on its future hopes for its station are without legal basis for the Commission to refuse to allot the proposed channel to Amelia. The Commission's settled policy is that applications in conflict with rule making proceedings must be filed prior to the deadline for counterproposals in the proceeding if they are to be evaluated in comparison with the allotment change proposed in that proceeding. FM Chan/nel and Class Modifications, 8 FCC Rcd 4735 (1993). The Commission specifically stated that applications filed after the counterproposal deadline represent an applicant's mere preference for a particular site and must be resolved with the rule making proceeding. Id. Guaranty did not file its application prior to the counterproposal deadline of March 10, 1997. An application which may or may not be filed at some indeterminate point in the future cannot be taken into account in this rule making proceeding. It was precisely to avoid this type of uncertainty that the

Commission adopted its policies requiring that an application be filed by the counterproposal deadline.

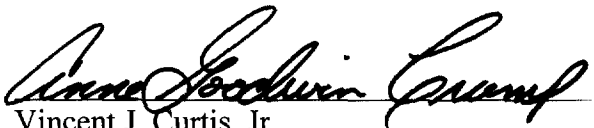
5. While Guaranty states that it was not served with Amelia Broadcasting Company of Louisiana's petition for rule making, it puts forward no reason why it should have been. Likewise, it makes no showing that it could not have learned of the rule making proceeding in a timely manner from the Commission's releases, as Rice Capital did. Its claim to have learned of the implication of this proceeding only "recently" does not provide any basis for the Commission to consider a late-filed application in conflict with this proceeding. Indeed, if Guaranty should file an application in conflict with the Amelia allotment, that application must be returned as unacceptable for filing.

6. Amelia Broadcasting shows in its Comments that a suitable transmitter site could be found for the proposed allotment. Further supporting its showing, attached hereto is a map depicting the area in which a fully spaced transmitter site could be located. As shown by the map, there is a significant land area within the fully spaced area which would be usable as a transmitter site. Accordingly, the proposed allotment to Amelia may be made in compliance with the Commission's policies.

WHEREFORE, the premises considered, Rice Capital respectfully requests that the FM Table of Allotments be amended to allot Channel 249C3 to Amelia as its first local transmission service.

Respectfully submitted,

RICE CAPITAL BROADCASTING  
COMPANY, INC.

By:   
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March 25, 1997

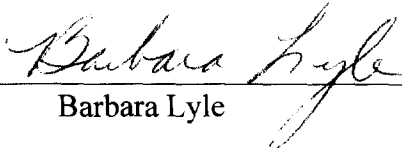


**CERTIFICATE OF SERVICE**

I, Barbara Lyle, a secretary in the law firm of Fletcher, Heald & Hildreth, P.L.C., do hereby certify that a copy of the foregoing "Reply Comments" was sent this 25th day of March, 1997, by first-class United States mail, postage prepaid, to:

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